

Date Posted: May 13, 2011

Location: Council Chambers, City Hall, 145 Taunton Avenue, East Providence, RI 02914

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

May 17, 2011

5:30 P.M. Executive Session

6:30 Public Workshop Ten Mile River Feasibility Study

7:30 P.M. Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a) (2)

A. Claims Committee

See concurrently posted Claims Committee Meeting Agenda.

B. Al Quattrucci Arbitration

C. Custodian Arbitration

II. CALL TO ORDER

III. INVOCATION

IV. SALUTE TO THE FLAG

V. TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Letters

- 1.Coastal Resources Management Council Semi –Monthly Meeting, Wednesday, May 4, 2011.**
- 2.North Smithfield School Committee Resolution Opposition to Binding Arbitration for School Teacher and School Employees.**
- 3.Bristol Warren Regional School Committee Resolution Opposing Mandatory Contract Continuation and Mandatory Binding Arbitration for School Teachers and School Employees.**
- 4.Cumberland School Committee Resolution in Opposition to Contract Continuation and Mandatory Binding Arbitration for School Teachers and School Employees.**

B. Alcoholic Beverage Class F

- 1.East Providence Heritage Days, Inc., East Providence Heritage Festival, 145 Taunton Avenue (02914) to be held at Pierce Field, July**

15-July 17

2.Holy Ghost Beneficial Brotherhood of RI, Annual Feast, 51 North Phillips Street (02914), June 10-June 12

3.Holy Ghost Brotherhood of Charity, Annual Feast, 59 Brightridge Avenue (02914), July 15-July 17

4.Holy Ghost Brotherhood Mariense, Annual Feast, 846 Broadway (02914), July 22-July24

5.Our Lady of Loreto, Feast, 346 Waterman Avenue (02914), June 25

6.St. Francis Xavier, Annual Feast, 81 North Carpenter Street (02914), June 24-June 26

7.Teofilo Braga Club, Annual Feast, 26 Teofilo Braga Way (02914), July 8-July 10

8.Trinity Brotherhood, Annual Feast, 146 Sutton Avenue (02914), June 17-June 18

9.St. Martha's Church, Annual Feast, 2595 Pawtucket Avenue (02914), June 3-June5

C. Carnival

East Providence Heritage Days, Inc., East Providence Heritage Festival, 145 Taunton Avenue (02914) to be held at Pierce Field, July 15-July 17

D. Peddler

1.Palagi's Ice Cream, 55 Bacon Street , Pawtucket, Bruce Law, 150 Dunnell Avenue, Pawtucket

**2.Del's Lemonade, 400 Waterman Avenue (02914), Tim Cabral, 10
Peach Orchard Rd (02915)**

E. Council Journals

1.Regular Council Meeting April 19, 2011

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VI. Public Comment

All persons wishing to make public comment shall sign a public comment sheet stating their name, address, and the subject of their comments. Said public comment sheet shall be available on a desk at the entrance of the City Hall Chambers no later than forty-five (45) minutes before the call to order of any regularly scheduled council meeting and shall be delivered by the City Clerk to the presiding officer no earlier than five (5) minutes before the call to order of the meeting.

VII. APPOINTMENTS

A.Conservation Commission Reappointment

John Rose, Sr., 5 Wil-Ann Circle (02915)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B.Conservation Commission Reappointment

Lorraine Nik, 238 Terrace Avenue (02915)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

C.Conservation Commission Reappointment

Keith Gonsalves, 2 Ramsay Street (02915)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

D. Conservation Commission Reappointment

John T. Burridge, 190 Waterman Avenue (02914)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VIII. PUBLIC HEARING

A.Street Abandonment, Zoning Map Amendment and Comprehensive Plan Amendment

Advertised East Providence Post: April 14th, 21st, and 28th.

Notice was sent to abutters on May 10, 2011

Rezoning is for map 306, block 9, parcels 11 and 12 and a portion of Hicks Street from Residential-4 to Commercial -4 Designation

Petitioners and owners: Fox Enterprises (map 306, block 9, parcel 11) and Walton & Fox Realty, LLC (map 306, block 9, parcel 12)

AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE REVISED 1998, AS AMENDED, ENTITLED “ZONING.”

SECTION I. Section 19-95 entitled “Districts Designated” of Article III

entitled “District Regulations” is hereby amended as follows:

Parcels 11 and 12 on Assessors Map 306, Block 9 presently located in a Residential 4 District is hereby changed to be included in a Commercial 4 District subject to the following condition:

1. That all vehicles that include tractor trailers and delivery trucks are prohibited from accessing parcels 8 and 8.1 from Kensington Street to minimize impacts to the abutting residential neighborhood.

The Zoning Map of the City of East Providence shall be amended accordingly.

SECTION II. This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Planning Department

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

ABANDONMENT OF HICKS STREET

WHEREAS, the City Council of the City of East Providence deemed it necessary to abandon Hicks Street, formerly known as Brighton Street, from Kensington Street to Assessor’s Plat 306, Block 9, Lot 8 as shown on a recorded plat of land entitled “Replat of a portion of the county plat East Providence, RI.” by Frank Waterman June 1940 recorded on Plat Card 274 in the Clerks Office in the City of East Providence and “The county plat of building lots in East Providence, RI belonging to Carpenter, Benedict & Greenough” surveyed and

platted Jan, 1888 by N.B. Schubarth, recorded on Plat Card 86 in the Clerks Office in the City of East Providence and on Tax Assessor's Map 306, Block 9 dated March 27, 2008 situated in East Providence, County of Providence, State of Rhode Island.

WHEREAS, said petition, having been duly advertised and all interested parties duly notified in accordance with law, and after public hearing held on May 17, 2011:

It is hereby ORDERED, ADJUDGED, and DECREED that Hicks Street, formerly known as Brighton Street, from Kensington Street to Assessor's Plat 306, Block 9, Lot 8 as shown on a recorded plat of land entitled "Replat of a portion of the county plat East Providence, RI." by Frank Waterman June 1940 recorded on Plat Card 274 in the Clerks Office in the City of East Providence and "The county plat of building lots in East Providence, RI belonging to Carpenter, Benedict & Greenough" surveyed and platted Jan, 1888 by N.B. Schubarth, recorded on Plat Card 86 in the Clerks Office in the City of East Providence and on Tax Assessor's Map 306, Block 9 dated March 27, 2008 situated in East Providence, County of Providence, State of Rhode Island, described as follows:

Commencing at a point on the westerly side of AP 306, Block 9, Lot 9, land now or formally of Walton and Fox Realty, LLC., said point being along the easterly street side of Hall Street, said point a brass pin set at a point of common curvature; thence proceeding along the easterly side of Hall street in a southwesterly direction three hundred twenty two and 89/100 (322.89) feet to a point; thence turning an interior

angle of $90^{\circ}00'00''$ and proceeding in a southeasterly direction along the northern street line of Kensington Street and southerly property line of AP 306, Block 9, Lot 8.1, land now or formally of Marsha Wyrsh, to the point and place of BEGINNING of herein described street abandonment.

Thence proceeding northeasterly a distance of one hundred ninety six and 95/100 (196.95) bounded by the southwesterly side of said Wyrsh land feet to a point;

Thence turning an interior angle of $92^{\circ}3'00''$ and proceeding in a southeasterly direction a distance of forty and 03/100 (40.03) feet, bounded northerly by land now or formally of Walton and Fox Realty, LLC. to a point;

Thence turning an interior angle of $87^{\circ}57'00''$ and proceeding in a southwesterly direction a distance of one hundred ninety eight and 38/100 (198.38) feet, bounded easterly by land now or formally of Walton and Fox Realty, LLC. and Fox Enterprises to a point;

Thence turning an interior angle of $90^{\circ}00'00''$ and proceeding in a northwesterly direction a distance of forty and 00/100 (40.00) feet, bounded southerly by the northerly street line of Kensington Street to the point and place of beginning.

The herein described street contains 7,906.77 square feet more or less, and is shown on the plan entitled "Hicks Street Highway Abandonment, East Providence, Rhode Island, AP 306, Block 9, Lots 8.1, 10, 11 & 12", dated September 2010, prepared by Joe Casali Engineering, Inc. in conjunction with International Mapping and Surveying Corp.

Said abandoned road parcel containing 7,906.77 square feet of land and is shown on a plan entitled, “Hicks Street Highway Abandonment, East Providence, Rhode Island, AP 306, Block 9, Lots 8.1, 10, 11 & 12”, dated September 2010, prepared by Joe Casali Engineering, Inc. in conjunction with International Mapping and Surveying Corp. and on Tax Assessor’s Map 306, Block 9 be and is hereby abandoned as a public highway by reason of the fact that Hicks Street, formerly known as Brighton Street, from Kensington Street to Assessor’s Plat 306, Block 9, Lot 8 situated in East Providence, County of Providence, State of Rhode Island as hereinabove described has ceased to become useful to the public.

It is further ORDERED, ADJUDGED, and DECREED that after due appraisal, it is determined that there is no damage sustained by the abutting property owners by reason of said abandonment, and, therefore, no award of damages shall be made; and

It is further ORDERED, ADJUDGED, and DECREED that the Director of Public Works be directed to cause signs to be placed at each end of said abandoned highway as hereinabove described, having thereon the words “Not a Public Highway”; and

It is further ORDERED, ADJUDGED, and DECREED that after entry of this decree the City Clerk shall cause notice thereof to be posted in a newspaper published in Providence County, and that further and personal notice be served by the City Sergeant upon every owner of land abutting upon said Hicks Street as hereinabove described who is known to reside within this state.

Requested By: Planning Department

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

IX. LICENSES NOT REQUIRING PUBLIC HEARING

A.Holiday Sales

1.American Promotional Events, Inc. DBA TNT Fireworks Hogan Wall Assoc. 1 Exchange Street, Providence (02903), Melissa Goduti, 40 S. Cherry Street, #23, Wallingford, CT, location of storefront 1235 Wampanoag Trail (02915)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2. American Promotional Events, Inc. DBA TNT Fireworks Hogan Wall Assoc. 1 Exchange Street, Providence (02903), Melissa Goduti, 40 S. Cherry Street, #23, Wallingford, CT, location of storefront 2777 Pawtucket Avenue (02914)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

3.Riana, Inc. DBA Furniture Clearance Center, 80 Newport Avenue (02916), Robert Russo, 10 Carlo Court, Cranston (02920)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B.Carnival

**June 3-June 5, 2011, St. Martha's Church, 2595 Pawtucket Avenue
(02914), Rev. Douglas Spina**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

C.Sec/Auto Sales – Change of Location

**Scott Motors, Inc., from 290 Newport Avenue to 777 Taunton Avenue
(02914), William Scott, 5 Washington Street, Wickford (02852)**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

X. NEW BUSINESS

A.City Managers Report (by Interim City Manager Orlando Andreoni)

**1.Discussion of Financial Impact Statement relative to tentative
agreements between the City of East Providence and Local 850,
International Association of Fire Fighters, AFL-CIO.**

**2.Ratification and adoption of tentative contracts and Memorandum
of Agreement between the City of East Providence and Local 850,
International Association of Fire Fighters, AFL-CIO for the term
November 1, 2009 through October 31, 2014.**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

3.Proposed CDBG Budget Approval

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

4.Tax Reduction Exxon Mobil

5. Sale of Grove Avenue School

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B.Reports of Other City Officials

1.Claims Committee Report (by Assistant Solicitor Robert Craven)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2. Dean Ross vs. EP City Council – OMA Complaint (by Assistant Solicitor Robert Craven)

C.Council Members

1.TLA/Pond View Walk Update (by Mayor Rogers)

2.Providence Journal Mandatory Thursday Paper Delivery Update (by Mayor Rogers)

3. Flag Day and Day of Portugal (by Mayor Rogers)

4.View Point, View Permit Program, Permitting Software (by Mayor Rogers)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

5. Permits for Bond Work for School Department (by Mayor Rogers)

6.Waddington School Playground Update (by Councilman DiGioia)

7. City Manager Search Committee Update (by Councilman DiGioia)

8. Deficit Elimination Committee Status Report (by Councilman Conley)

D.Resolutions

1.Resolution to request funding from the Rhode Island Community Development Block Grant Disaster Recovery Program for the State Street Neighborhood and Replacement of the Warren Avenue Culvert.

WHEREAS, funds are available under the Rhode Island Community Development Block Grant Disaster Recovery Program, administered by the Department of Administration, Division of Planning, Office of Housing and Community Development; and,

WHEREAS, the Governor of the State of Rhode Island has authorized the Director of said department to disburse such funds; and,

WHEREAS, it is in the interest of the citizens of East Providence that

application be made to undertake a local Community Development Disaster Recovery Program.

NOW, THEREFORE, BE IT RESOLVED BY THE EAST PROVIDENCE CITY COUNCIL

That the City of East Providence will request funds to undertake four activities: 1) \$100,000 for debris, invasive species, and sediment removal of the Runnins River; 2) \$400,000 for residential property acquisition; 3) \$100,000 for demolition, site restoration, and relocation costs; and 4) \$500,000 to be used as matching funds for the previous submitted FEMA grant request for the replacement of the Warren Avenue culvert.

That the filing of this application for the amount of \$1,100,000 to implement the activities proposed herein hereby authorized and that Orlando A. Andreoni, Interim City Manager

is hereby authorized and directed to file this application with the Office of Housing and Community Development, to provide any additional information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the Representative of the _____ of the City of East Providence in all matters relating to this application and any award which may be based upon this application.

Requested By: The Planning Department

Motion____By____2nd____

Conley____DiGioia____Kleyla____Rose____Rogers____

E.Communications

- 1. Jack Walsh, 1 Dexter Road (02916) requesting to address the Council regarding TLA/Pondview Recycling update on license, operations and opportunity to address the Council.**
- 2. Antonio Melo, 137 Summit Street (02914) requesting to address the Council regarding removal of a no parking sign in from on 137 Summit Street for the last time.**
- 3. Christine Patterson, 111 Don Avenue (02916) requesting to address the Council regarding TLA/Pondview zoning violations.**
- 4. Tom Riley, 3620 Pawtucket Avenue (02915) requesting to address the Council regarding Pond View, Councilman Conley, Johnston Landfill.**
- 5. June Lundstrom, 1354 S. Broadway (02914) requesting to address the Council regarding Municipal Court Business.**

XI.ADJOURNMENT

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

***If communications assistance is needed or any other**

**accommodations to ensure equal participation please contact the
City Clerk's Office at 435-7590**